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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 17th MEETING

Held at Headquarters, New York,
on Monday, 27 April 1981, at 3 p.m.

Chairman: Mr. JOHNSON (Ecuador)

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Consideration of reports submitted in accordance with Council resolution 1938 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of the United Kingdom of Great Britain and Northern Ireland (E/1980/6/Add.16, 25 and 26)

At the invitation of the Chairman, Mr. Chatterjie and Mr. Longford (Observers for the United Kingdom) took a place at the table.

1. Mr. CHATTERJIE (Observer for the United Kingdom of Great Britain and Northern Ireland) said that the report of the United Kingdom on its Dependent Territories (E/1980/6/Add.25) had been prepared by the dependent territories themselves and that he was not in a position to answer the questions put to him by the representative of Senegal. However, he would forward the questions to the authorities which had prepared the report.

2. Mr. LONGFORD (Observer for the United Kingdom of Great Britain and Northern Ireland) called the Committee's attention to several minor amendments to the United Kingdom's report and analytical summary. On page 10 of the report (E/1980/6/Add.16), the phrase "who was previously in the same household but is now" should be inserted in paragraph (b) (ii) after the words "in relation to another child". On page 32, line 11 of the analytical summary, the phrase "making it difficult for them to exist properly" should read "who find difficulty in maintaining existing property".

3. On the question of the right to an adequate standard of living for foreigners in the United Kingdom, he said that the supplemental benefits scheme described in the report applied to foreigners in exactly the same way as it did to indigenous British subjects, with the exclusion of certain categories such as full-time students, those in full-time employment and those involved in trade disputes. The only criterion was that the claimant's resources must fall short of his needs. Although the 1948 supplementary scale rate for a married couple had been only £2 per week, it was now £34.60 per week for short-term benefits and £43.45 for long-term benefits, which was considered adequate by Parliament to meet the food and housing requirements of British subjects as well as foreigners.

4. Mr. CHATTERJIE, replying to questions from the representative of Spain concerning equal opportunities for women, said that the Sex Discrimination Act of 1975 had resulted in the establishment of an Equal Opportunities Commission to investigate complaints, enforce the legislation and promote equal opportunity for men and women. The number of complaints from women regarding sex discrimination had fallen between 1976 and 1979, and 66 per cent of the 1979 cases had been cleared before reaching the tribunal.

5. Mr. LONGFORD, in reply to the question concerning benefits for widows under the national insurance scheme, said that a widow might draw four different types of benefits at different stages. Immediately following the death of her husband, she received a widow's allowance for 26 weeks of £38, which would be increased to £41.40

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in November. After 26 weeks, if she had dependent children or was pregnant by her late husband, she received a "widowed mother's allowance" until the youngest child reached the age of 19. If she was still not in the labour force, she received a widow's pension until she reached retirement age, when she became eligible for a retirement pension on the basis of her husband's contributions or the combined contribution records of both spouses. If the wife had been the main breadwinner and the husband had died, there were provisions for a widower's benefit as well.

6. On the subject of child care and nurseries, he said that the local authorities were responsible for providing day nurseries and might sponsor children in day-care centres. They also kept registers of child-minders, who could provide more homelike, informal and flexible care than was available in a day nursery.

7. In response to the question put by the representative of the German Democratic Republic concerning the proportion of health care costs borne by the patient and the insurance company, he said that under the national health service the bulk of medical treatment was free, with the exception of certain services such as spectacles, dentures and prescriptions. There was also provision in the law for a person who wished to avail himself of private health insurance.

8. On the question of unemployed workers and migrant workers, he said that unemployment benefits were based on the satisfaction of certain contribution conditions on the part of the employee and the employer. The unemployed person was entitled to one year of unemployment insurance, after which his entitlement became subject to certain needs criteria. He would then be entitled to assistance under the supplementary benefits scheme. Migrant workers in the United Kingdom, unlike those in many other countries, usually planned to settle permanently in the United Kingdom. They were therefore entitled to benefits under the supplementary benefits scheme based on their residence and under the unemployment entitlement programme based on their contributions.

9. Mr. CHATTERJIE said that the United Kingdom was a party to the Convention on the Elimination of All Forms of Racial Discrimination and reported to the Committee on the Elimination of Racial Discrimination; the details of race relations in the United Kingdom were described in that report. British society was changing and had become multiracial in recent years. His Government was wholly committed to equality before the law regardless of race. A series of race relations acts had been passed since 1965, including the act of 1976, which had provided more effective redress for victims of racial discrimination and more severe penalties for incitement to racial hatred. A Commission for Racial Equality had been established in 1976, which conducted investigations, established guidelines and co-ordinated community actions with respect to enforcement of non-discrimination legislation. An advisory council on race relations had also been established in 1977 to advise the Home Secretary.

10. Mr. LONGFORD said that the representatives of the Libyan Arab Jamahiriya, the USSR and the Federal Republic of Germany had all expressed great interest in the provisions relating to maternity benefits. As the United Kingdom Government was at

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present reviewing the existing provisions, he would describe the arguments in favour of the existing system and those in favour of change. Currently, a lump sum maternity grant of £25 was paid to every expectant mother who satisfied certain minimal contribution requirements. In 1980 there were some 60,000 confinements for which no grant was paid because the contribution requirements had not been satisfied. However, the Government planned to abolish the contributions test by 1982, after which the expectant mother's presence in the United Kingdom would suffice to qualify for the grant.

11. Secondly, there was the maternity allowance, which had been payable under the national insurance scheme since 1948. It was intended to replace the weekly earnings of employed women and allow them to cease work well before confinement. It was paid to all women who satisfied the contribution requirements, which were the same as for sickness benefits. The number of expectant mothers entitled to receive the maternity allowance had risen steadily. Between 1966 and 1979, the proportion of mothers receiving the maternity grant and qualifying for the maternity allowance had risen from 27 to 51 per cent. The maternity allowance was payable for a maximum of 18 weeks, from the eleventh week before the expected date of confinement to six weeks after that date, only after the woman had stopped work. The present rate of £20.65 a week would be increased to £22.50 in November 1981.

12. A third type of maternity benefit was the comparatively new system of maternity pay. It was paid by the employer and had been available since 1977 as an employee's right to women who worked 16 hours or more each week and had been in continuous service with the same employer for at least two years, or five years in the case of a woman working for at least eight hours and less than 16 hours a week. The employer must start the payment six weeks before the expected date of confinement, at a rate of nine-tenths of regular pay. Maternity pay was subject to tax and to the payment of national insurance contributions. Though it was paid out by the employer, it could be reclaimed from the Maternity Pay Fund, which was financed from employers' social security contributions.

13. There had been criticism that the current system led to inequitable variations in benefits and was confusing to the claimants. Criticism had also been directed at the low level of the maternity grant and the restriction of maternity pay to persons who had worked for two years for the same employer. It had been recommended, therefore, that the whole question should be re-examined so that the large sum allocated for maternity benefits could be spent to better effect. The Government was prepared to consider any proposals for altering the system, on the understanding that given the prevailing financial climate, there would be no increase in total expenditure. The Department of Health and Social Security had invited suggestions from interested organizations and the public for a simpler and more equitable system of maternity benefits.

14. Mr. CHATTERJIE, replying to the question of the representative of Bulgaria about housing conditions in Northern Ireland, said that the 1979 House Condition Survey had shown a distinct improvement in the Northern Ireland housing stock.

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Conditions in most areas were now good, although they were still poor in Belfast, which was currently receiving 50 per cent of the funds available to the Northern Ireland Housing Executive, a quasi-autonomous governmental agency set up in 1970, with a membership drawn from all sections of the community and responsible to the Government of the United Kingdom. Public expenditure on housing in Northern Ireland was 50 per cent above the average for the rest of the United Kingdom. Of the £130 million available for improvement grants for old dwellings in the United Kingdom as a whole, Northern Ireland received £30 million, or one quarter, for one fortieth of the population of the United Kingdom, and in 1980 approximately one twelfth of all public sector housing starts were in Northern Ireland.

15. With regard to the question about housing and migrant workers, he explained that there were very few migrant workers as such in the United Kingdom. The Government had, however, recognized that there were special problems affecting the inner cities where many poorer people and recent immigrants lived. In 1979-1980, an Urban Programme with a budget of £165 million had been established to provide grants to assist local authorities with projects in inner city areas, taking into account the needs of ethnic minorities. The fact that over 70 per cent of Asian households were owner occupiers, a higher proportion than for the population as a whole, indicated that the ethnic minorities were successfully establishing themselves in the United Kingdom.

16. Mr. LONGFORD said, in reply to the question from the representative of Jordan about adoptive parents, that once an adoption order had been made, adopted children received the same protection as legitimate natural children and if the adoptive parents became unable through misfortune to support them, the same benefits would apply as in the case of regular family members. Once the natural parent agreed to an adoption order, he perpetually relinquished the right to custody of the child. The Government took steps, therefore, to see that the natural parent was fully aware of the impliations before consenting to adopcion, and there was a probationary period during which the child lived with the adoptive parents before the final order was made. After that, he was treated as though he were the natural-born offspring of his adoptive parents.

17. Mr. CHATTERJIE said, in reply to the representative of the USSR, that protection of the right to work and measures to alleviate unemployment among young people had been dealt with in detail in the report of the United Kingdom concerning rights covered by articles 6 to 9 (E/1978/8/Add.9). The level of unemployment in general, and among young people in particular, was a matter of concern to the Government and measures had been taken which were currently creating about 345,000 new jobs. The £320 million originally scheduled by the Government for 1981 to help young people to get jobs had been increased by a further £250 million for a special effort carried out through various agencies, including the Youth Opportunities Programme, the Manpower Services Commission and the Community Industry Scheme.

18. In reply to the question about the education of children in Northern Ireland, he noted that under article 13 (3) of the Covenant the States parties undertook to respect the liberty of parents to choose for their chilren schools other than those established by the public authorities and to ensure the religious and moral

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education of their children in conformity with their own convictions. Many children in Northern Ireland were educated in separate facilities according to their religious faith, but solely at the wish of their parents. The United Kingdom Government provided assistance for both Catholic schools and state schools and the parents were subject to no extra charge.

19. Mr. LONGFORD, also in reply to the representative of the USSR, said that the eviction of tenants was extremely unusual in the United Kingdom. When such a situation did arise, the main reason was not that the tenant was unable to pay his rent but that he had failed to do so. The Supplementary Benefit Scheme which covered persons who were unemployed or not in full-time employment included a reasonable amount for rent. There was also the family income supplement scheme for persons in employment which brought the earnings of low-paid breadwinners with large families up to an adequate level. Moreover, local authorities were empowered to grant rebates on public sector housing rents to low-income families. Failure to pay rent, therefore, was not a consequence of inadequate income. Where, in exceptional cases, eviction did take place, local authorities could provide emergency accommodation. The children of the family would probably be received into care while their parents were without a home, and the parents would be housed in adequate though not lavish temporary accommodation.

20. With regard to the protection of young people from pornographic exploitation, he said that since 16 was the legal age of consent to sexual intercourse for adolescents, the Government had regarded that age as an appropriate upper limit in legislation designed to protect young people from pornographic exploitation.

21. He regretted that he was unable at the moment to provide the statistics on narcotics addiction among young people requested by the representative of the USSR but, if any were available, he would arrange for them to be forwarded to him.

22. On the question put by the representative of the USSR about maternity leave, he explained that the Employment Protection Act did not create a right to maternity leave or require the employer to pay an expectant or new mother's salary while she was absent from work. It left those matters to be agreed under the terms of the employment contract. However, it did create a right to receive maternity pay, and a statutory right for the mother to have her job back within a predetermined time after confinement.

23. Mr. CHATTERJIE, replying to questions asked by the representative of Barbados, said that the Housing Purchase Assistance Act had been in effect since 1980 but he had as yet no detailed information available on its operation. Since that Act had been passed, the Government had taken further measures to promote low-cost home ownership. Those measures included licensing builders to build on local authority land, the improvement of dwellings for sale to private purchasers and the sale of unimproved dwellings for improvement by the purchaser himself. Other measures to promote the release of additional land included the streamlining and speeding up of the planning system and the introduction of land registers to ensure that unused and underused land in the public sector was identified and released.

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24. With reference to the report of the Associated States, he said that the United Kingdom had not ratified the Covenant on behalf of those States and, as a result, it did not apply to them.

25. He assured the representatives of Barbados and the Federal Republic of Germany that the new British Nationality Act, which had not yet been finalized by Parliament, would have no effect on the rights of residents of the United Kingdom under the terms of the Covenant.

26. Mr. LONGFORD, in reply to the question from the representative of Barbados concerning the entitlement of self-employed mothers to maternity benefit and the problems they might encounter in obtaining it, said that if a self-employed woman gave up employment because of pregnancy, confinement and the need to look after the newborn child, she was entitled, like any other woman employee, to maternity benefits under the provisions of the National Insurance Act. As far as he knew, there were no difficulties in this respect and the processing was just as quick as for any normal claim.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its consideration of the reports of the United Kingdom of Great Britain and Northern Ireland.

28. Mr. Chatterjie and Mr. Longford (Observers for the United Kingdom of Great Britain and Northern Ireland) withdrew.

29. The CHAIRMAN said that, if he heard no objection, he would adjourn the meeting and the members of the Working Group would immediately reassemble as the Drafting Group of the Whole.

30. It was so decided.

The meeting rose at 4.45 p.m.